

Raised Bill 5237**Public Hearing: March 4, 2022**

TO: MEMBERS OF JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 4, 2022

RE: **SUPPORT OF RAISED BILL 5237, AN ACT ADOPTING THE CONNECTICUT
INTERSTATE DEPOSITIONS AND DISCOVERY ACT**

Greetings Members of the Judiciary Committee. My name is Stewart Casper. I'm a principal of the law firm of Casper & de Toledo LLC and I've been a member of CTLA since 1978, having served as CTLA President during 1996-97. My law practice has been limited to litigation for nearly my entire legal career. I offer the following observations regarding the uniform "Interstate Depositions and Discovery Act" and ask that you all fully embrace the passage of the Act.

Consistent with the general philosophy that discovery in civil matters including depositions in civil cases (including probate matters) should be liberally permitted and facilitated, **Raised Bill No. 5237**, the uniform "Interstate Depositions and Discovery Act", the Connecticut Trial Lawyers Association (CTLA) wholeheartedly supports its adoption. By doing so, Connecticut will join forty-five other states, the District of Columbia, and the U.S. Virgin Islands that have embraced this more modern and convenient system to access discovery of documents and subpoena of out of state witnesses for depositions.¹

One of the salutary lessons learned by trial lawyers during the pandemic was the simplicity of planning and execution of remote discovery. Notwithstanding the technological advances, Connecticut's civil justice system has retained an anachronistic "commission" system to authorize

¹ A bill to enact the Interstate Depositions and Discovery Act is presently pending in Missouri.

out-of-state deposition The Commission system that creates a needless and artificial barrier based upon state boundary lines. By eschewing the out-of-date commission system, parties can move more swiftly to completion of discovery including production of records and depositions of non-residents; spare Connecticut courts of the obligation to review cumbersome paperwork related to the commission process; and generate revenue for the Connecticut Judicial Department as out-of-state attorneys pay filing fees of \$100 per subpoena for Connecticut subpoenas (see Section 8 and the proposed amendment to 52-259(l) of the General Statutes).

With Connecticut's adoption of this uniform act, Connecticut attorneys/parties will be able to avail themselves of reciprocity regarding ease of out-of-state discovery.